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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,836	01/03/2002	Masatsugu Shimizu	FUSA 19.314	7231
26304	7590	05/11/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			TORRES, JUAN A	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/037,836

Applicant(s)

SHIMIZU, MASATSUGU

Examiner

Juan A. Torres

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-10,12-16 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,4 and 9 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1,2,5,7,8,10,12-16,19,20 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

The modifications to the specification were received on 04/07/2006. These modifications are accepted by the Examiner.

In view of the amendment filed on 04/07/2006, the Examiner withdraws Drawing objections of the previous Office action

### ***Specification***

The modifications to the specification were received on 04/07/2006. These modifications are accepted by the Examiner.

In view of the amendment filed on 04/07/2006, the Examiner withdraws Specification objections of the previous Office action

### ***Claim Objections***

Claims 1, 2, 5, 7, 8, 10, 12-16, 19, 20, and 23 are objected to because of the following informalities:

As per claim 1, the recitation in line 12 of claim 1 "if" is improper because the use the word "if" render the claim indefiniteness (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 2, the recitation in line 15 of claim 2 "if" is improper because the use the word "if" render the claim indefiniteness (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 5, the recitation in line 13 of claim 5 "if" is improper because the use of the word "if" renders the claim indefinite (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 7, the recitation in line 12 of claim 7 "if" is improper because the use of the word "if" renders the claim indefinite (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 8, the recitation in line 12 of claim 8 "if" is improper because the use of the word "if" renders the claim indefinite (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 10, the recitation in line 11 of claim 10 "if" is improper because the use of the word "if" renders the claim indefinite (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 12, the recitation in line 14 of claim 12 "if" is improper because the use of the word "if" renders the claim indefinite (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 13, the recitation in line 16 of claim 13 "if" is improper because the use of the word "if" renders the claim indefinite (35 USC 112 2<sup>nd</sup> paragraph indefinite);

it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claims 14-15, they are objected because they depend directly from claim 13.

As per claim 16, the recitation in line 18 of claim 16 "if" is improper because the use the word "if" render the claim indefiniteness (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 19, the recitation in line 12 of claim 19 "if" is improper because the use the word "if" render the claim indefiniteness (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claim 20, the recitation in line 14 of claim 20 "if" is improper because the use the word "if" render the claim indefiniteness (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

As per claims 21-22, they are objected because they depend directly from claim 20.

As per claim 23, the recitation in line 15 of claim 23 "if" is improper because the use the word "if" render the claim indefiniteness (35 USC 112 2<sup>nd</sup> paragraph indefinite); it is clear what it happens if the condition is met, but if that condition is not met is indefinite. It is suggested to change the word "if" to "when".

Appropriate correction is required.

***Allowable Subject Matter***

Claims 3, 4 and 9 are allowed.

Claims 1, 2, 5, 7, 8, 10, 12-16, 19, 20, and 23 are allowed, if the above objections are overcome.

The following is a statement of reasons for the indication of allowable subject matter: Claims 1-5, 7-10, 12-16, 19-23 are allowed because the references cited fail to teach, as applicant has, checking whether the frame-data length information (TFIs) of all frames within the transmission time interval (TTI) agree or not on a per-channel basis, and deciding, when even one TFI differs, that the largest number of items of frame-data length information (TFI) that are the same among the items of frame-data length information in a plurality of frames within a transmission time interval (TTI) is frame-data length information common to all of the plurality of frames within the transmission time interval; and comparing, on a per-channel basis, frame-data length information of a plurality of frames within respective ones of the transmission time intervals and, if frame-data length information differs, deciding, by using a likelihood, frame-data length information that is common to all of the plurality of frames within the transmission time interval, so, correcting erroneous frame-data length information, as the applicant has claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

This application is in condition for allowance except for the following formal matters:

See above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Juan A. Torres whose telephone number is (571) 272-3119. The examiner can normally be reached on Monday-Friday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Juan Alberto Torres  
04-26-2006

TEMESGHEN GHEBRETINSAE  
PRIMARY EXAMINER  
5/10/06  
oe